

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ORTHODONTIC EDUCATION
COMPANY,

NO. 5:10-cv-04685 EJD

ORDER TO SHOW CAUSE

v.

Appellant(s),

CHRISTOPHER NORBERT MODJESKI,
et. al.,

Defendant(s).

Appellant Orthodontic Education Company (“Appellant”) filed a Notice of Appeal from a decision of the Bankruptcy Court on October 18, 2010. Having done so, Appellant was required to file and serve a designation of the items to be included in the record on appeal and a statement of the issues to be presented within 14 days. Fed. R. Bankr. P. 8006. To date, no such designation appears on the docket and it appears Appellant has taken no further action on this case.

Accordingly, the Court hereby issues an order to show cause why this action should not be dismissed for failure to prosecute. If Appellant does not file a response to this order to show cause by September 9, 2011, demonstrating why the case should not be dismissed, the Court will dismiss the action with prejudice pursuant to Federal Rule of Civil Procedure 41(b). No hearing will be held on the order to show cause unless otherwise ordered by the Court.

IT IS SO ORDERED.

Dated: August 9, 2011


EDWARD J. DAVILA
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Kathryn S. Diemer kdiemer@diemerwhitman.com

3 **Dated: August 9, 2011**

4 **Richard W. Wieking, Clerk**

5 **By: /s/ EJD Chambers**

6 **Elizabeth Garcia**

7 **Courtroom Deputy**